



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 5, 2019

VIA EMAIL

Boies Schiller Flexner LLP
575 Lexington Avenue
New York, NY 10022

Re: Grand Jury Subpoena

Please be advised that the accompanying grand jury subpoena has been issued in connection with an official criminal investigation of a suspected felony being conducted by a federal grand jury. The Government hereby requests that you voluntarily refrain from disclosing the existence of the subpoena to any third party. While you are under no obligation to comply with our request, we are requesting you not to make any disclosure in order to preserve the confidentiality of the investigation and because disclosure of the existence of this investigation might interfere with and impede the investigation.

Thank you for your cooperation in this matter.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

By:

[REDACTED]
Assistant United States Attorney
Southern District of New York
[REDACTED]

United States District Court
SOUTHERN DISTRICT OF NEW YORK

TO: Boies Schiller Flexner LLP
575 Lexington Avenue
New York, NY 10022

GREETINGS:

WE COMMAND YOU that all and singular business and excuses being laid aside, you appear and attend before the GRAND JURY of the people of the United States for the Southern District of New York, at the United States Courthouse, 40 Foley Square, Room 220, in the Borough of Manhattan, City of New York, New York, in the Southern District of New York, at the following date, time and place:

Appearance Date: February 15, 2019 Appearance Time: 10 a.m.

to testify and give evidence in regard to alleged violations of federal criminal law, including:
18 U.S.C. §§ 1591, 1594(c), 2422(b)

and not to depart the Grand Jury without leave thereof, or of the United States Attorney, and that you bring with you and produce at the above time and place the following:

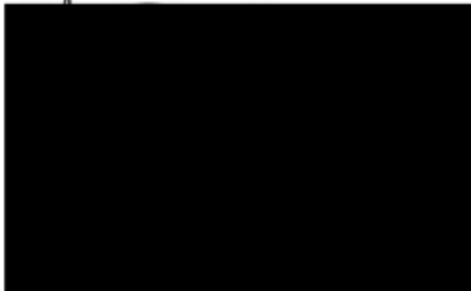
SEE ATTACHED RIDER. **Personal appearance is not required** if the requested records are (1) produced by on or before the return date to Assistant U.S. Attorney [REDACTED] at: U.S. Attorney's Office, Southern District of New York, 1 St. Andrew's Plaza, New York, NY 10007, telephone: [REDACTED] or via email at [REDACTED] and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records. **PLEASE PROVIDE IN ELECTRONIC FORMAT IF POSSIBLE.**

Failure to attend and produce any items hereby demanded will constitute contempt of court and will subject you to civil sanctions and criminal penalties, in addition to other penalties of the Law.

DATED: New York, New York
February 5, 2019

G S B [REDACTED]

GEOFFREY S. BERMAN
*United States Attorney for the
Southern District of New York*



Subj [REDACTED]
[Seal of the United States District Court for the Southern District of New York]

RIDER

(Grand Jury Subpoena to Boies Schiller Flexner LLP, dated February 5, 2019)

Instructions and Definitions:

1. This Subpoena calls for the production of categories of documents, records, correspondence, and other material (including electronically stored material), as specified below, in the possession, custody, or control of Boies Schiller Flexner LLP.
2. This subpoena covers all responsive documents wherever they may be found, including on computers, servers, and personal electronic devices, whether in the United States or any foreign jurisdiction.
3. The "Litigation" means the case captioned *Jane Doe 43 v. Epstein, et al.*, 17 Civ. 0616 (JGK)(SN), in the Southern District of New York
4. Where possible, please produce the records requested herein in electronic form (native format where necessary to view the material in its full scope) in a manner that is OCR-searchable, and with all available electronic metadata.
5. This subpoena does not call for the production of any documents protected by a valid claim of privilege, although any responsive document over which privilege is being asserted must be preserved. Any documents withheld on grounds of privilege may be required to be specifically identified on a privilege log with descriptions sufficient to identify their dates, authors, recipients, and general subject matter.

Materials To Be Produced:

1. All non-privileged documents relating to the Litigation, including, without limitation: (a) all discovery materials received and produced in connection with the Litigation; (b) all records of interviews, depositions, testimony, or other statements made, taken, recorded, or otherwise obtained in connection with the Litigation; (c) all court filings made or received in connection with the Litigation; (d) all records of evidence obtained, received, produced, accessed, or retained in connection with the Litigation; and (e) all records of settlement or other disposition agreements, statements, or writings in connection with any resolution of the Litigation.

N.B.: Personal appearance is not required if the requested records are (1) produced by on or before the return date to Assistant U.S. Attorney [REDACTED] at: U.S. Attorney's Office, Southern District of New York, 1 St. Andrew's Plaza, New York, NY 10007, telephone: [REDACTED] or via email at [REDACTED] and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records. PLEASE PROVIDE IN ELECTRONIC FORMAT IF POSSIBLE.

IMPORTANT: REQUEST FOR NON-DISCLOSURE

Due to the ongoing nature of the investigation, it is requested that you do not disclose any information relating to this Grand Jury subpoena request to any third party.

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena, dated February 5, 2019, and signed by Assistant United States Attorney [REDACTED], requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.